

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Crl.Rev.Pet.No. 693 of 1998()

CRA.233/1996 of ADDL. SESSIONS COURT, THRISSUR
CC.288/1993 of JUDL. MAGISTRATE OF FIRST CLASS COURT,
CHAVAKKAD

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REVN. PETITIONER:

NAMADEVAN, S/O. AYYARUKUTTY,
KARUTHEDATH, MAMA BAZAR,
THAIKKAD VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM REPRESENTED THE
S.I. OF POLICE, CHAVAKKAD.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

CRL. R.P. NO. 693/1998

: 2 :

ORDER ON CRL. M.P. NO. 3591/1998 IN CRL.R.P. NO. 693/1998

DISMISSED

09.03.2007

SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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CRL. R.P. NO. 693 OF 1998

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Dated this the 9th day of March 2007

ORDER

The revision petitioner stands convicted for the offence under section 326 of the Indian Penal Code and sentenced, as modified by the appellate court, to undergo simple imprisonment for one month and to pay a fine of Rs. 1,000/- and in default to undergo simple imprisonment for one month. The prosecution case is that on 03.08. 1993 at about 2'o clock in the afternoon the accused pushed him down and threw a brick on his back resulting in fracture of the shoulder bone.

2. The evidence in support of the prosecution consisted of the testimony of PW1 to 11 and Exts. P1 to P7 and MO1 brick. The defence has produced Ext.D1 copy of the order from the SDM Court in M.C. No. 48/94. There was a civil dispute and the parties are close relatives. PW1 is the 1st informant and PW2 is the injured. PWs 1 to 3 have testified with respect to the incident. PW6, the Civil Surgeon attached to the Government Hospital, Chavakkad who had issued wound certificate has testified with respect to the fact that on X-ray fracture at the left shoulder was detected and the PW2 was referred to Medical

College Hospital, Trichur. I find that the evidence of the above witnesses stands not discredited. No contradiction or omission with respect to the previous statement have been brought out from the evidence of the Investigating Officer. In the circumstances, I find no reason to interfere in the concurrent findings of the court below.

3. The counsel for the revision petitioner has pleaded for leniency pointing out the fact that the incident had taken place in the year 1993 and also that the revision petitioner is right now aged 67 years. In the circumstances, sentence is modified to imprisonment till rising of the court and to pay a compensation of Rs. 10,000/- to PW2 vide section 357(3) Cr.P.C and in default to undergo simple imprisonment for three months. The revision petitioner shall appear before Judicial First Class Magistrate, Chavakkad on **24.04.2007** to receive sentence.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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CRL. R.P. NO. 693 OF 1998

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